FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.690 OF 2005

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr S.J.Rairkar, for the petitioners.
Mrs M.P.Thakur, AGP for R.Nos 1 to 5
Mr Sanjay Kshirsagar for R.No.6.

CORAM: V.G.PALSHIKAR &
D.B.BHOSALE,JJ.
DATED: 14.10.2005

P.C.:

Heard the learned counsel for the parties.

By this petition, the petitioners have challenged the order passed by the Commissioner rejecting the application of the petitioners under section 48 of the Land Acquisition Act, 1894.

The reason given for rejection of the application is that before filing of the application in the year 2004 physical possession of the land was taken from the petitioners and was given to the project affected person, documents of which were noticed by the impugned order.

The position in law in relation to interference under section 48 of the Land Acquisition Act is very clear. The jurisdiction thereunder cannot be exercised when physical possession is taken from the owner. In this case, such taking of possession is being established, rejection of the application under section 48 by the competent authority was proper. No interference is called for. The writ petition dismissed.

(D.B.BHOSALE,J.) (V.G.PALSHIKAR,J.)